

To parents traveling abroad with children To parents returning to Japan with children



Problems that may occur due to the removal of children from a country

(About the legal systems in various countries and the Hague Convention)



Ministry of Foreign Affairs of Japan

For those who are planning to marry a foreigner


For those who are married to a foreigner

For those who are living in foreign countries.

For those who are planning to move to foreign countries.

Do you know about the **Hague Convention**?

Let's learn about the rules for crossing borders with children.



In what cases, does
the Hague Convention
apply?

What is the Hague
Convention?

What should I note when
I enter/ depart a foreign
country?

I'm thinking
of going abroad/to
Japan with my children,
but...

Will I be arrested if I take
my children out of a country
without permission?

Where can I seek advice
when I am in trouble in a
foreign country?

Important points to be aware when you enter/ depart the countries with children.

- A consent letter for travel from the other parent is required in some countries when you enter/ depart the country. A permission from the court to leave the country with your children is required in some countries before leaving.
- A consent letter is not required when leaving / entering / departing Japan.

For more details please contact the relevant authority or a diplomatic mission in the country where you live or have traveled to.

What is a “consent letter for travel”?

It is a document that proves that one of the parents has consented to the other parent entering/ departing the countries with children.

- In some countries, taking children, including your own children, out of the country without consent of the other parent is considered a crime (kidnapping, etc.). In these cases, you might be arrested upon re-entering the country.

To avoid that, when you wish to leave a country with children, please consult with a local lawyer before doing so.



If you are moving children from one country to another, the Hague Convention might apply to your case!



What is the Hague Convention?

The Hague Convention provides as follows:

- ① International cooperation between the Contracting States to return the wrongfully removed or retained children to the countries where they have originally lived (the state of their habitual residence).
 - ➔ Disputes over custody of children are to be resolved in the state of their habitual residence after their return.
- ② Cooperation among the Contracting States in order to secure opportunities for trans-boundary parent-child contact.



What does “wrongfully removed or retained” mean?

The removal of children is considered wrongful where the parent takes the children from the State of the habitual residence in breach of the other parent’s rights of custody (e.g. without the other parent’s consent). Also, the retention is considered wrongful where the children are not returned to the State of the habitual residence against a previous arrangement.

Official name of the Hague Convention:

“Convention on the Civil Aspects of International Child Abduction”



In what cases, does the Convention apply?

⦿ How old are your children?

If they are under the age of 16, the Convention will apply.

⦿ Where is your destination?

The Convention will apply when the children are wrongfully removed or retained from one Contracting State to another, or the rights of access are breached across the borders.

List of the Contracting States

(As of March 2017, 96 countries in total)



Asia	China (Hong Kong & Macao only) Japan Republic of Korea Pakistan Philippines Singapore Sri Lanka Thailand	North America	United States of America Canada	Oceania	Australia Fiji New Zealand	Africa	Burkina Faso Gabon Guinea Lesotho Mauritius Morocco Seychelles Republic of South Africa Zambia Zimbabwe
	* Not applied in other areas of China	East Middle	Iraq Israel Turkey				
Latin America and the Caribbean	Argentina Bahamas Belize Brazil Bolivia	Chile Colombia Costa Rica Dominican Republic Ecuador	El Salvador Guatemala Honduras Mexico Nicaragua Panama Paraguay Peru Saint Christopher and Nevis				Trinidad and Tobago Uruguay Venezuela
Europe	Albania Andorra Armenia Austria Belarus Belgium Bosnia and Herzegovina Bulgaria Croatia	Cyprus Czech Republic Denmark Estonia Finland France Georgia Germany Greece Hungary	Iceland Ireland Italy Kazakhstan Latvia Lithuania Luxembourg Former Yugoslav Republic of Macedonia Malta			Moldova Monaco Montenegro Netherlands Norway Poland Portugal Romania Russia San Marino	Serbia Slovakia Slovenia Spain Sweden Switzerland Turkmenistan Ukraine United Kingdom Uzbekistan

The Hague Convention is not applicable to the cases where the children had been wrongfully removed or retained before the convention came into effect in Japan, on April 1, 2014. (However, even in these cases, if there is a breach of the rights of access, it is possible to receive assistance for the access.)

If you have any problem overseas...

You might wish to contact the Japanese embassy, consulate, etc. (diplomatic missions) in the country you are in.

The following services are provided by diplomatic missions:

- Referral to lawyers specialized in international family law (when possible, lawyers who can speak Japanese), translators, interpreters, mediation institutions, institutions providing support for access, domestic violence support groups, etc.
- Requesting support from or reporting incidents to the institutions of the country in case of safety concerns.
- Consultation on family matters (the advice given at the diplomatic missions is recorded, and provided to the person to whom it was given upon request).

If you have any questions or concerns,
please contact the Hague Convention
Division.

More details are also available on the
website of the Ministry of Foreign
Affairs of Japan.

Hague Convention Division, Ministry of Foreign Affairs, Japan

2-2-1, Kasumigaseki, Chiyoda-ku, Tokyo 100-8919

TEL +81-3-5501-8466

Business hours: 9:00 to 17:00 (excluding 12:30–13:30)

E-mail hagueconventionjapan@mofa.go.jp

URL http://www.mofa.go.jp/fp/hr_ha/page22e_000249.html

